

Montana Code Annotated 2003

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75-20-204. Facilities subject to federal energy regulatory commission jurisdiction. (1)

For a facility that is subject to the jurisdiction of the federal energy regulatory commission, the department shall file a state recommendation with the commission.

(2) A person making application to the federal energy regulatory commission shall file with the department notice of and a copy of the federal application regarding any facility subject to subsection (1). The state recommendation must be based on its study of the federal application and other material gained through intervention in the federal proceeding.

(3) A person subject to the provisions of subsection (2) shall pay a fee to the department at the time that an application is filed with the federal energy regulatory commission. The fee must be used by the department to carry out its responsibilities to develop a state recommendation and participate as a party in any necessary federal proceeding to assert the state recommendation. The fee may not exceed one-half the amount that could be assessed under [75-20-215](#). A fee prescribed by [75-20-215](#) may not be assessed against a person paying a fee under this section.

(4) A person who fails to file a timely notice of and a copy of the federal application with the department, preventing the department from timely compliance with this section and with the rules, statutes, or procedures governing the proceedings before the federal energy regulatory commission, is subject to the provisions of [75-20-408](#).

History: En. Sec. 2, Ch. 591, L. 1985; amd. Sec. 2, Ch. 273, L. 1997.